IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SIXTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

and
THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO : 11251 of 2005

Between:

Polepally Denamma, W/o. Polepally Yesobu,
r/o.Domalagundem Village, Bollapally Mandal, Guntur District.

..... PETITIONER

AND

1 The Station House Officer, Yerragondapalem P.S. Prakasam

District.
2 The Station House Officer, Bollapally Police Station,
Guntur District.
3 The Superintendent of Police, Guntur District.
4 The Director General Of Police & Inspector General Police,

Lakdikapool, Hyderabad.
5 The Home Secretary, Department of Home,
Secretariat Buildings, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or orders more particularly one in the nature of Writ of Habeas Corpus directing the Respondents herein to produce the detenue namely Polepally Yesobu S/o. Nagaiah, aged about 35 Years, Occ: Agricultural labourer R/o. Domalgundem, Bollapally (M) Guntur District before this Hon'ble Court and record the statements of the detenue and set him free and basing on his statement this Hon'ble Court may be pleased to direct the Respondent No. 5 herein to punish the erring Police Officials and award appropriate compensation to the detenue herein.

Counsel for the Petitioner:MR.V.RAGHUNATH

Counsel for the Respondent Nos.1 to 5: THE ADVOCATE GENERAL

The Court made the following :

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ORDER: (per Sri B. Sudershan Reddy, J)

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The averments made in the counter-affidavit filed by the Sub-Inspector of Police, Bollapally Police Station, Guntur District, the 2nd respondent herein, which remain unrebutted, disclose that the alleged detenu was arrested by the Sub-Inspector of Police, Veldurthy Circle on 23-5-2005 at about 9-45 A.M. and a case in n7Crime No. 16 of 2005 was registered under Section 5 of the Explosive Substances Act. On the same day at about 6-00 P.M., the alleged detenu was produced by the Veldurthi Police before the learned Judicial First Class Magistrate, Macherla at his residence who in turn directed the police to produce the alleged detenu on 24-5-2005 at 10-30 A.M.

It is thus clear that the respondents have arrested the alleged detenue in connection with Crime No. 16 of 2005 and accordingly produced before the concerned Magistrate. In such view of the matter, it cannot be said that the alleged detenue continues to be in illegal detention as alleged in the writ petition. At this stage, we are not inclined to issue any directions.

The writ petition shall accordingly stand dismissed. No order as to costs.

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B. SUDERSHAN REDDY,J

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RAMESH RANGANATHAN,J

6th June, 2005

sj/ks

To

1 The Station House Officer, Yerragondapalem P.S. Prakasam

District.
2 The Station House Officer, Bollapally Police Station,
Guntur District.
3 The Superintendent of Police, Guntur District.
4 The Director General Of Police & Inspector General Police,

Lakdikapool, Hyderabad.
5 The Home Secretary, Department of Home,
Secretariat Buildings, Hyderabad.

6. Two CCs to the Advocate General, High Court Building, Hyderabad. (OUT)

7. Two C.D. copies.